IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.2030 OF 2007

1. Satish Choudhary
2. Smt.Ekta Choudhary ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Uday Warunjikar with Mr.Yogesh Rohira Advocates
for Applicants
Mr.Rajesh More A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22, 2007

P.C.

1. Heard the learned advocate for the applicants

and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No.16 of 2005. The said offence is under Sections 468, 420 r.w. 34 of IPC. The said case is investigated by DCB CID, Unit IX, Bandra, Mumbai. In the said case, the investigation is over and charge sheet has been filed. The applicant no.1 was granted

anticipatory bail by the Supreme Court. The applicant no.2 was granted anticipatory bail by the learned Additional Sessions Judge for Gr.Bombay.

3. As the applicants remained absent on four dates before the Sessions Court, bail granted to them, came to be cancelled on 19.6.2007 and they were taken into custody. It is an admitted fact that the applicants were found on the same day at their residence from where they came to be arrested. Mr.Warunjikar the learned advocate for the applicants submitted that out of the four dates, infact the applicants did not remain present on two occasions and exemption applications were preferred on behalf of the applicants and the said exemption applications came to be allowed by the Court. He has rightly submitted that hence, it cannot be said that applicants did not remain present on four dates and they were absconding. As far as the remaining two dates are concerned, Mr.Warunjikar submitted that the applicants had instructed their advocate to prefer exemption applications, however, as their advocate was required to go to the native place for urgent work, the exemption applications were not preferred by him. The applicants being under the belief that exemption applications had

been preferred on their behalf by their advocate, they did not attend the Court on those two dates. Thus, it is submitted that the applicants have not absconded and they were very much available. As oberved earlier, on the very day that the anticipatory bail granted to the applicants came to be cancelled, the applicants were found at their usual residential address. Looking to these facts, I am inclined to give one opportunity to the applicants and release them on bail.

4. Each of the two applicants to be released on bail in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two sureties to make up the said amount in C.R.No.16 of 2005 of DCB CID, Unit IX, Bandra, Mumbai. The applicants shall report to the concerned Investigating Agency once in a fortnight till the conclusion of trial. In addition thereto, the applicants shall attend all the dates before the Sessions Court.

5. It is stated that the applicant no.2-Smt.Ekta Choudhary is a lady who is pregnant and it is prayed that the applicant no.2 may be released on cash bail for two weeks. In this view of the matter, the applicant no.2-Smt.Ekta Choudhary is

allowed to be released on cash bail of Rs.25,000/- (Rs.twenty five thousand only) for a period of two weeks. The said amount shall be deposited in the trial Court. The necessary sureties be furnished within two weeks.

6. Authenticated copies be issued to the parties.

7. Application is disposed of.

[SMT. V.K.TAHILRAMANI, J.]